



08/479995 1

SA
MW
5-29-90

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Anticipated Classification
of this Application:
Class ~~42~~ Subclass _____Prior Application:
Exam'r: MARSCHEL, A.
Group Art Unit: 1807Attorney's
Docket No.:
EN2-11(D7)(C2)

FILED BY EXPRESS MAIL

Hon. Commissioner of Patents and Trademarks
Washington, D.C. 20231
BOX FWC (if under \$1.62)

Sir:

This is a request for filing a X CONTINUATION ~~X~~ DIVISIONAL
CONTINUATION-IN-PART application under X 37 CFR §1.60
37 CFR §1.62, of pending prior application Serial No. 08/425,492 08/342,667
filed on November 21, 1994 of Robert G. Pergolizzi et al.
Inventor(s)

for:

Assay Method Utilizing Polynucleotide Sequences
Title of Invention

1. X Enclosed is a copy of the prior application, as originally filed and an affidavit or declaration verifying it as a true copy.
2. ~~1~~ A copy of the verified statement under 37 CFR §1.9 and §1.27 establishing small entity status in the prior application is also enclosed. Small entity status is still applicable.
3. X The filing fee is calculated as follows:

CLAIMS AS FILED, LESS ANY CLAIMS CANCELLED BY AMENDMENT									
					RATE			FEE	
	Number Filed		Number Extra		Small Entity	Other Entity		Small Entity	Other Entity
Total Claims	1 -20	=	0	x	\$ 11	\$ 22	=	\$ 0	\$
Independent Claims	1 -3	=	0	x	\$ 38	\$ 76	=	\$ 0	\$
Multiple Dependent Claims Presented: ' Yes <u>X</u> No					\$ 120	\$ 240		\$ 0	\$
If the difference in Col. 1 is less than zero, enter "0" in Col.2						BASIC FEE		\$ 365	\$ 730
						TOTAL FEE		\$ 365	\$ 730

Attorney's Docket No. _____

4. X The Commissioner is hereby authorized to charge payment of the filing fee as well as the following fees associated with this application or to credit any overpayment to Deposit Account No. 05-1135. A **duplicate** copy of this sheet is enclosed.
- X Any additional filing fees required under 37 CFR §1.16.
- X Any patent application processing fees under 37 CFR §1.17.
5. X The Commissioner is hereby authorized to charge payment of the following fees during the pendency of this application or credit any overpayment to Deposit Account No. 05-1135. A **duplicate** copy of this sheet is enclosed.
- X Any patent application processing fees under 37 CFR §1.17.
- _____ The issue fee set in 37 CFR §1.18 at or before mailing of the Notice of Allowance, pursuant to 37 CFR §1.311(b).
- X Any filing fees under 37 CFR §1.16 for presentation of extra claims.
6. _____ A check in the amount of \$ _____ is enclosed.
7. X Cancel claims 2-149
8. _____ Amend the specification by inserting before the first line of the sentence: --- This is a X continuation, X divisional, _____ continuation-in-part, of application Serial No. 08/342,667 filed on November 22, 1994.
- a'
9. X Transfer the drawings from the prior application.
10. _____ Informal _____ Formal _____ drawings are enclosed.
11. _____ Abandon said prior application as of the filing date accorded this application. A **duplicate** copy of this sheet is enclosed for filing in the prior application file.
12. _____ Priority of application Serial No. _____ filed on _____ is claimed under 35 U.S.C. §119. _____ The certified copy of the priority application has been filed in prior application Serial No. _____, filed _____.
13. X The prior application is assigned of record to ENZO DIAGNOSTICS, Inc. c/o Enzo Biochem, Inc. 575 Fifth Avenue, New York, New York 10017.
14. _____ A preliminary amendment is enclosed.

15. X The power of attorney in the prior application is to:
Ronald C. Fedus, Reg. No. 32,567.
- (a) _____ The power appears in the original papers in the prior application.
- (b) X Since the power does not appear in the original papers, a copy of the power in the prior application is enclosed.
- (c) X A copy of a new substitute power of attorney is enclosed.
- (d) X Address all future communications to: (May only be completed by applicant, or attorney or agent of record.)

Ronald C. Fedus, Esq.
Enzo Diagnostics, Inc.
c/o Enzo Biochem, Inc.
575 Fifth Avenue (18th Floor)
New York, New York 10017

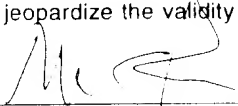
16. _____ Also accompanying this Request is a Petition to Revive An Unintentionally Abandoned Application Under 37 C.F.R. §1.137(b).
17. X I hereby verify that the attached papers are a true copy of prior application Serial No. 08/342, 667.
18. _____ The parent application (Serial No. _____) was unintentionally abandoned after _____, which was the date that a response to a _____ Office Action was originally due. As noted under No. 16 above, this Request For a Continuation Application is accompanying the Petition to Revive an Unintentionally abandoned Application Under 37 C.F.R. § 1.137(b), along with the requisite petition fee therefor. With the expected granting of the Petition, the parent application will be copending with the filing of this new continuation application.

The undersigned declares further that all statements made herein of his own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States

Serial No.: Not Yet Assigned
Filed: Herewith
Page: 4

Code and that such willful false statements may jeopardize the validity of the application or any patent issuing thereon.

June 7, 1995
Date



Signature [Ronald C. Fedus]
Registration No. 32,567
Attorney for Applicants

Inventor(s)

Assignee of Complete Interest
X_____
Attorney or Agent of Record

Filed under 37 CFR §1.34(a)

Address of Signator:
Enzo Diagnostics, Inc.
c/o Enzo Biochem, Inc.
575 Fifth Avenue (18th Floor)
New York, New York 10017

Attorney's Docket No. _____